S.B. Cr. Bail Application No. 5138/2007
(Amra @ Amar Chand Vs. State of Rajasthan)

Date of order : 14.11.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. V.K.Sharma for the petitioner.
Mr. Ashok Upadhyay, P.P.

Heard learned counsel for the petitioner and public prosecutor for the State. Perused the order impugned and challan papers. I have carefully gone through the statement of victim injured Geeta aged 15 years as also her medical report where she was admitted to the hospital.

It is contended by learned counsel for the petitioner that the injury has not resulted in fracture and therefore, no offence under Section 307 IPC is made out.

Per contra, learned public prosecutor opposed the bail application and contended that there is cutthroat injury and the accused intended to cause murder of victim by using deadly weapon knife and caused the injury on vital part i.e. neck.

From the medical evidence also it appears that there is cutthroat injury on the neck of the injured. The manner in which the accused caused the injury, the intention to cause murder can be deduced prima-faice from the facts and

circumstances of the case. However, without commenting on the merit of the case, it cannot be said that no offence under Section 307 IPC is made out. I am fortified with my view by decisions of Hon'ble Supreme Court in Girja Shankar Vs. State of U.P., JT 2004 (2) SC 140, Sarju Prasad Vs. State of Bihar, AIR 1965 SC 843, Bappa alias Bapu Vs. State of Maharashtra, AIR 2004 SC 4119, Vasant Vithu Jadhav Vs. State of Maharashtra, (2004) 9 SCC 31 and R. Prakash Vs. State of Karnataka, (2004) 9 SCC 27.

In this view of the matter, it is not a fit case to release the petitioner on bail. The bail application filed by the petitioner under Section 439 Cr.P.C. is therefore, dismissed.

(H.R.PANWAR), J.

rp